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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Herschel, Krull
Application No.:	10/691916
Filed:	October 23, 2003
For:	A BRAKING DEVICE FOR AN INDUSTRIAL TRUCK
Examiner:	Robet Siconolfi
Group Art Unit:	3683
Firm Docket No.:	H01.2B-11371-US01

DATE: December 16, 2005

TIME: 10³⁰

FACSIMILE NO.: 1-571-273-8300

TOTAL NUMBER OF PAGES (including transmittal letter): 3

FACSIMILE TRANSMITTAL LETTER

Following please find a 2 pg Notice of Appeal, and 1 page Facsimile Transmittal Letter.

With respect to fees: No additional fee is believed to be required
 Charge any fees due to our Deposit Account No. 22-0350

Conditional Petition

If any extension of time for the accompanying response is required or if a petition for any other matter is required, applicant requests that this be considered a petition therefore.

If any additional fees associated with this communication are required and have not otherwise been paid, please charge the additional fees to Deposit Account No. 22-0350. Please credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,
 VIDAS, ARRETT & STEINKRAUS
 By: _____
 Richard A. Arrett
 Registration No.: 33153

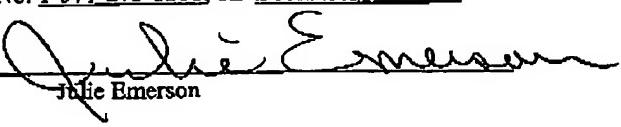
Date: December 16, 2005

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 Minnetonka, MN 55343-9185
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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-571-273-8300, on December 16, 2005.

Signature: 

Julie Emerson

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: H01.2B-11371-US01

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$500.00.

- Applicant claims small entity status. See 37 CFR 1.27.
- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 22-0350.
- Applicant has requested that the Petition for a three month an extension of time be charged to Deposit Account No. 22-0350.
- CONDITIONAL PETITION FOR EXTENSION OF TIME**

In the event a petition for extension of time is required and has not otherwise been requested or in the event the period specified is incorrect please consider this a petition for the appropriate extension therefore.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the attorney or agent of record.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: December 16, 2005

By:

Richard A. Arnett

Registration No.: 33153

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